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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,314	12/19/2005	Hiroshi Yahata	92478-8400	6274

52044 7590 03/03/2009

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EXAMINER	
PHANTANA ANGKOOL, DAVID	
ART UNIT	PAPER NUMBER
2175	
MAIL DATE	DELIVERY MODE
03/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/561,314	YAHATA ET AL.	
	Examiner	Art Unit	
	David Phantana-angkool	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5,6 and 9-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 5, 6, and 9-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/18/08 and 02/27/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This application has been reassigned to Examiner David Phantana-angkool.

2. Applicants amended claims 1, 5, 6, 9-11.

3. Claims 1, 2, 5, 6, 9-11 are pending claims.

Claim Rejections - 35 USC § 112

4. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The following phrase, as recited in dependent claim 6, is unclear: *a graphics plane operable to store at least **some of the that is** to be overlayed with the motion picture* (emphasis added).

Claim Rejections - 35 USC § 103

6. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 1, 2, 5, 6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murase, US# 5,907,658 in view of Barrett, US PG PUB# 2004/0189689 A1.**

As for independent claim 1:

Murase shows a recording medium comprising:

a graphics stream which represents an interactive display including a plurality of graphical button materials to be overlayed with a motion picture wherein (Figs. 1A, 18, 19A and 14:39-42)*: said graphics stream includes a plurality of graphics data sets each forming a group of graphics data which renders a predetermined state of said graphical button materials* (Figs. 19A and 19B illustrates an interactive display including at least one graphical button material)*; said plurality of graphics data sets respectively render different predetermined states of said graphical button materials* (Fig. 8, Murase shows the items in a menu are in any of the following states: standard state, selection state, and determination state. The state changes in response to the user operations)*;*

Murase does not specifically show *a predetermined state of said graphical button materials is rendered by reproducing a plurality of graphical objects* and *each piece of graphics data in the graphics data sets defines a graphics object with use of a pixel code representing a brightness component and a color-difference component of a pixel*. In the same field of invention Barrett teaches *a predetermined state of said graphical button materials is rendered by reproducing a plurality of graphical objects* and *each piece of graphics data in the graphics data sets defines a graphics object with use of a pixel code representing a brightness component and a color-difference component of a pixel* in Para. 0016-0018. Barrett also teaches the MPEP frames are generated from the on=screen display image data and the MPEP frames are decoded to generate the image for display as an MPEG images. Furthermore, additional on-screen display image data can be processed to generated an on-screen image for display over the MPEG image. The on-screen image, such as text or a graphic, can be generated for display over the graphical user interface. Both Murase and Barrett teaches displaying on-screen image/graphic display over the MPEG image. Accordingly it would have been obvious to a skilled artisan at the time of the invention was made to modify Murase's invention to incorporate the MPEG image data corresponding to the graphical user interface as taught by Barrett in Para. 0017, thus allowing the MPEPG image data to

be decoded to scroll the image in the inset of the graphical user interface (0009). The combined teachings of Murase and Barrett render the following limitations: *a predetermined state of said graphical button materials is rendered by reproducing a plurality of graphical objects* and *each piece of graphics data in the graphics data sets defines a graphics object with use of a pixel code representing a brightness component and a color-difference component of a pixel* in as obvious to a skilled artisan at the time of the invention was made.

As for dependent claim 2:

Murase-Barrett suggests the recording medium of Claim 1, wherein: *said different predetermined states are respectively a normal state, a selected state, and an active state; and said plurality of graphics data sets are disposed in an order of a normal-state set, a selected-state set, and an active-state set* (Murase shows the items in a menu are in any of the following states: standard, state, selection state, and determination state. In FIG. 8, the reproduction apparatus displays, for the default operation, item #1 as the selection state and other items as standard state. If the standard state is white, selection state blue, determination state red, then, only the item for item #1 is blue. With this arrangement, the user can check which item is in the selection state (the item in the selection state is also called the item specified by the cursor. The user can change the item in the selection state by pressing any of up/down/left/right cursor keys. The reproduction apparatus stores information on the cursor destinations for respective up/down/left/right cursor keys, which is later described in detail, Murase, Column 15, lines 52-63).

As for independent claim 5:

Murase shows a reproduction apparatus for reproducing a video stream and a graphics stream, said apparatus comprising:

a graphics decoder configured to decode the graphics stream which represents an interactive display including a plurality of graphical button materials to be overlayed with a motion picture, wherein: (Murase, Fig. 24, wherein a block diagram showing the construction of the DVD player used in the present embodiment. The DVD player includes optical disk drive 16, optical pickup 82, optical disk drive controlling unit 83, signal processing unit 84, AV decoding unit 85, remote control receiving unit 92, and system controlling unit 93. AV decoding unit 85 comprises signal separating unit 86, video decoder 87,

sub-picture decoder 88, audio decoder 89, and picture mixing unit 90. Furthermore a graphics decoder operable to decode the graphics stream representing an interactive display overlayed with the motion picture, Murase, Column 28, lines 50-58); *the graphics stream includes a plurality of graphics data sets each forming a group of graphics data which renders a predetermined state of the graphical button materials; the plurality of graphics data sets respectively render different predetermined states of the graphical button materials* (In FIG. 10 and Column 15, lines 52-63); *and said reproduction apparatus uses the graphics data belonging to a top set and the graphics data belonging to a second-place set in the plurality of graphics data sets for presenting an initial display of the interactive display, and uses the remaining graphics data in the plurality of graphics data sets for updating the interactive display upon a user operation* (In FIG. 8, the reproduction apparatus displays, for the default operation, item #1 as the selection state and other items as standard state. If the standard state is white, selection state blue, determination state red, then, only the item for item #1 is blue. With this arrangement, the user can check which item is in the selection state (the item in the selection state is also called the item specified by the cursor). The user can change the item in the selection state by pressing any of up/down/left/right cursor keys. The reproduction apparatus stores information on the cursor destinations for respective up/down/left/right cursor keys, which is later described in detail, Murase, Column 15, lines 52-63).

Murase does not specifically *a predetermined state of said graphical button materials is rendered by reproducing a plurality of graphics objects* and *each piece of graphics data in the graphics data sets defines a graphics object with use of a pixel code representing a brightness component and a color-difference component of a pixel.* In the same field of invention Barrett *a predetermined state of said graphical button materials is rendered by reproducing a plurality of graphics objects* and *each piece of graphics data in the graphics data sets defines a graphics object with use of a pixel code representing a brightness component and a color-difference component of a pixel* in Para. 0016-0018. Barrett also teaches the MPEP frames are generated from the on=screen display image data and the MPEP frames are decoded to generate the image for display as an MPEG images. Furthermore, additional on-screen display image data can be processed to generated an on-screen image for display over the MPEG image. The on-screen image, such as text or a graphic, can be generated for display over the graphical user

interface. Both Murase and Barrett teaches displaying on-screen image/graphic display over the MPEG image. Accordingly it would have been obvious to a skilled artisan at the time of the invention was made to modify Murase's invention to incorporate the MPEG image data corresponding to the graphical user interface as taught by Barrett in Para. 0017, thus allowing the MPEPG image data to be decoded to scroll the image in the inset of the graphical user interface (0009). The combined teachings of Murase and Barrett render the following limitations: *a predetermined state of said graphical button materials is rendered by reproducing a plurality of graphics objects* and *each piece of graphics data in the graphics data sets defines a graphics object with use of a pixel code representing a brightness component and a color-difference component of a pixel* in as obvious to a skilled artisan at the time of the invention was made.

As for dependent claim 6:

Murase-Barrett suggests the reproduction apparatus of Claim 5, wherein:

the different predetermined states are respectively a normal state, a selected state, and an active state; the plurality of graphics data sets are disposed in an order of a normal-state set, a selected-state set, and an active-state set; said graphics decoder includes: a graphics processor operable to decode the graphics data and obtain the graphics (For example, in FIG. 8, the reproduction apparatus displays, for the default operation, item #1 as the selection state and other items as standard state. If the standard state is white, selection state blue, determination state red, then, only the item for item #1 is blue. With this arrangement, the user can check which item is in the selection state (the item in the selection state is also called the item specified by the cursor). The user can change the item in the selection state by pressing any of up/down/left/right cursor keys. The reproduction apparatus stores information on the cursor destinations for respective up/down/left/right cursor keys, which is later described in detail. If the user presses the determination key on the remote controller while the cursor stays at an item in the selection state, the user can determine the item. The reproduction control is performed for the determined item)*; an object buffer operable to store the graphics object obtained by the decoding; a graphics plane operable to store at least some of the that is to be overlayed with the motion picture; and a graphics controller operable to write the graphics object in a graphics data set for rendering the selected*

state to said graphics plane (Murase shows the DVD player includes optical disk drive 16, optical pickup 82, optical disk drive controlling unit 83, signal processing unit 84, AV decoding unit 85, remote control receiving unit 92, and system controlling unit 93. AV decoding unit 85 comprises signal separating unit 86, video decoder 87, sub-picture decoder 88, audio decoder 89, and picture mixing unit 90. (Murase, Column 28, lines 50-58. Murase also shows the Graphics controller as system controlling unit 93).

As for independent claim 9:

Claim 9 contains substantial subject matters as claimed in independent claim 1 and is respectfully rejected along the same rationale.

As for dependent claim 10:

Claim 10 contains substantial subject matters as claimed in independent claim 5 and is respectfully rejected along the same rationale.

As for independent claim 11:

Claim 11 contains substantial subject matters as claimed in independent claim 1 and is respectfully rejected along the same rationale.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 2, 5, 6, 9-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175